(3)

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P.No. 296 /2001.

PETITIONER : P.K.Mohanan

Vs.

RESPONDENTS : Steel Authority of India Ltd. and others.

WRIT PETITION UNDER ARTICLES 226/227 OF THE CONSTTTWION OF INDIA

DETAILS OF THE PETITION

1. PARTICULARS OF THE PETITIONER:

P.K.Mohanan,
S/o Late Shri P.K.Krishnan,
Aged about 45 years,
Private Secretary,
P.No. 136231,
Bhilai Steel Plant, Bhilai
Resident of Qr.No.4-A, Street-10
Sector-10,
Bhilai (Chhattisgarh).

C. R. No. 343/01
Presented by Shri ...
Dated 01/3/01

2. PARTICULARS OF THE RESPONDENTS:

1. Steel Authority of India Ltd.,
Through its Managing Director,
Bhilai Steel Plant,
Bhilai- 490001 (C.G.)

2. Dy.Manager(Pers-GE)
Bhilai Steel Plant,
Bhilai-490001.

3. Dy.Manager(Pers-T&D)
Bhilai Steel Plant,
Bhilai-490001.

उपयंत्र आयुक्त, दर्ग के शुक्ला, बिलासपुर 9/3/01 बिलासपुर तहसील

3. PARTICULARS OF THE ORDER AGAINST WHICH THIS WRIT PETITION IS BEING MADE:

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

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आदेश पत्रक

W.P.No. 296/2001

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
12.4.2001	Petitioner by Shri P. Diwakar, Advocate. Respondents by Shri Kanak Tiwari, Advocate. Heard. The main grievance of the petitioner is that whereas he has completed less than one ~~month~~ year as P.S. to Assistant General Manager at Bhilai Steel Plant an order of transfer came to be issued on 27.2.2001 transferring the writ petitioner from Bhilai Steel Plant to Rajhara. On the same day i.e. on 27.2.2001 the petitibner was relieved from Bhilai Steel Plant. On 7.3.2001 notices were issued returnable on 30th March,2001. On 7.3.2001 the following order was passed: "In the meantime, there shall be ad-interim suspension of the impugned orders (Annexures A/2 & A/3 dated 27.2.2001)." By virtue of the aforesaid order the petitioner is still continuing at Bhilai Steel Plant. Return has been filed on behalf of the respondents. It has been contended that at the new place of posting at Rajhara a post of Private Secretary ~~falling~~ fell vacant ~~from~~ some months ago. Against the said post of Private Secretary the writ petitioner was transferred. Since the writ petitibner has been approaching this	

[पीछे देखिये

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

Court on some occasions, once taking a grievance of supersession and in an interim order it was directed that any promotion shall be subject to the final decision of the Court, that petition is pending. Another writ petition was also filed complaining that the case of the writ petitioner was not considered for promotion. The second petition is also pending for disposal. Another case was also said to be pending before the Labour Court for non-considerationn of the writ petitioner for grant of service award for long service. That matter also still pending. According to Mr. Diwakar the impugned order of transfer has been issued malafidely and not in the public interest. There is a police guidelines issued as respects order of transfer which should normally be effected after five years or ten years as the case may be. It may be stated that the writ petitioner has rendered service for the last about 21 years at Bhilai Steel Plant. He has not been transferred out to any other place except ~~between~~ within the Bhilai Steel Plant. If that be so he cannot ~~insist with~~ resist that the policy guideline has been contravened in issuing the order of transfer. The employer knows how best the services of the employee would be utilised. Therefore, if the services of the petitioner are purposefully utilised at the new place of posting, the writ petitioner cannot resist. Mr. Diwakar further submits that though there are some other persons having experience and knowledge of the work of Private

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आदेश पत्रक

W.P. 296/2001

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	(Condt. 12.4.2001 - 3 - Secretary the writ petitioner has been ~~pitched to~~ singled out, and sent to Rajhara ~~Rajhara~~. It appears that against one post which fall vacant some time only one person has to be picked. In the present case the writ petitioner has been directed to proceed against the said vacant post at Rajhara. In my view no malafide in the facts and circumstances of the case can be attributed to the competent authority in issuing the order of transfer. Mr. Diwakar further submits ~~is~~ that once the writ petitioner is posted out the welfare of his children who are studying in schools would be affected. According to Mr. Diwakar writ petitioner is very concerned about the future of his children. It is for the writ petitioner to bring this fact before the competent authority, and not for this Court to give any direction in this regard. It is In the result I am not inclined to interfere with the order of transfer. The petition is rejected. Certified copy, as per Rules. Sd/- Chief Justice	

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Thakur.

18/4/2014